

REMARKS

I. CLAIM OBJECTIONS

Claims 1 and 25 are amended to recite “through,” instead of “though” and, therefore, overcome all objections based on informalities.

II. OBVIOUSNESS TYPE DOUBLE PATENTING

Claims 1-25 are rejected under obviousness type double patenting rejection because the Examiner believes that although pending claims 1-25 (hereinafter “the pending claims”) are not identical to issued claims 1-33 of U.S. Patent No. 6,630,265 (hereinafter “the issued claims”), the pending claims and the issued claims are not patentably distinct from each other because the pending claims are generically embodied by the issued claims. Applicants respectfully traverse the rejection. The pending claims and the issued claims are different in many respects, and are, therefore, patentably distinct from each other.

Pending claims 1-25 are not embodied by the issued claims because, at a minimum, the issued claims fail to disclose or suggest the pending claims requirement of – “incorporating the crosslinking agent into the ion-conducting base material through hydroxyl and sulfonic acid condensation or through amine and sulfonic acid condensation.” Thus, the Applicants respectfully request the Examiner to withdraw the obviousness type double patenting rejection.

III. PRIOR ART REJECTIONS UNDER 35 U.S.C. § 102

Claims 1-9, 12-23 and 25 are rejected under 35 USC § 102(b) because the Examiner believes that they are anticipated by U.S. Patent No. 6,090,895 issued to Mao *et al.* (hereinafter “the '895 patent”). The Applicants respectfully traverse the rejection.

Among other features, the '895 patent fails to disclose or suggest - “incorporating the crosslinking agent into the ion-conducting base material through hydroxyl and sulfonic acid condensation or through amine and sulfonic acid condensation,” as required by the pending claims. Working examples at column 8, line 31 to column 11, line 44 of the '895 patent, which is relied upon by the Examiner, disclose using a sulfonic acid halide, *e.g.*, sulfonic acid

chloride, and not a sulfonic acid. Furthermore, the working examples disclose using an amide, and not an amine. As a result, these sections relied upon by the Examiner do not disclose or suggest, among other things, the requirement of “hydroxyl and sulfonic acid condensation” or “amine and sulfonic acid condensation.”

The present invention offers a different approach for improving the physical and mechanical properties of ion conduction materials or adding functionalities to ion conducting materials that is not realized by the '895 patent. However, for the sake of argument, if the approach described in the '895 patent was adopted to arrive at the products obtained by the inventive methods claimed in the pending application, then it appears that additional processing would be required. As a result, the present invention offers an approach that enjoys higher throughput over the approach described in the '895 patent.

The Applicants respectfully submit that the pending claims are neither anticipated nor rendered obvious over the cited prior art, and withdrawal of the rejection based on 35 U.S.C. § 102 is, therefore, respectfully requested.

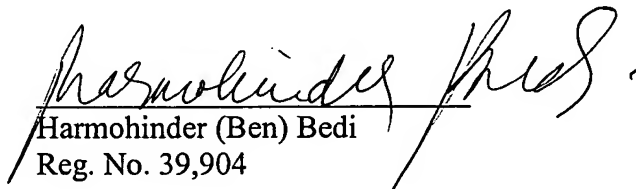
CONCLUSION

Thus, in light of the above, having responded to each and every ground of rejection, Applicants respectfully request reconsideration and allowance of the pending claims in the above-mentioned application.

Respectfully submitted,

DECHERT LLP

Dated: May 31, 2005


Harmohinder (Ben) Bedi
Reg. No. 39,904

DECHERT LLP
Customer No. 37509
P.O. Box 10004
Palo Alto, CA 94303-0961
Tel: 650.813.4800
Fax: 650.813.4848

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on May 31, 2005, with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: May 31, 2005


Yvette Yurralde-Owen